

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Everett C. Pesci *et al.*

Application No.: 09/945,325

Filed: August 31, 2001

For: *Novel Autoinducer Molecules and Uses Therefor*

Attorney Docket No.: UIZ-068CP

Group Art Unit: 1625

Examiner: Huang, E.M.

Commissioner for Patents
Washington, D.C. 20231

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

1/9/03
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By:

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DECLARATION PURSUANT TO 37 C.F.R. §1.132 BY

EVERETT C. PESCI, Ph.D.

Sir:

I, Everett C. Pesci, Ph.D., declare:

1. I am a co-inventor, along with Everett Peter Greenberg, Andrew S. Kende, James P. Pearson, Jared B.J. Milbank, and Barbara H. Iglewski, of the subject matter described and claimed in the above-referenced patent application having a priority date of August 31, 2000.

2. In the Office Action dated September 9, 2002 (Paper No. 7) in the above-referenced application, claims 1, 2, 4, 10-14, 19-28, 32-42, and 46-48 have been rejected under 35 U.S.C. §102(a) as being anticipated by Pesci *et al.* (PNAS, 1999, 96(20):11229) ("the Pesci *et al.* paper").

3. I am co-author, along with Susan McKnight, Everett Peter Greenberg, Andrew S. Kende, James P. Pearson, Jared B.J. Milbank, and Barbara H. Iglewski, of the aforementioned Pesci *et al.* paper.

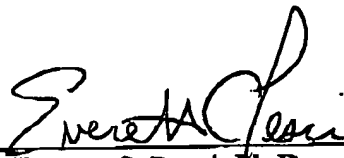
4. The Pesci *et al.* paper discloses my own research and that of co-inventors and fellow research collaborators Everett Peter Greenberg, Andrew S. Kende, James P. Pearson, Jared B.J. Milbank, and Barbara H. Iglewski.

5. Susan McKnight is not a co-inventor of the above-referenced patent application, and was working as a technician in my laboratory under my direction and supervision during the research that was reported in the Pesci *et al.* paper.

I have been warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful and false statements may jeopardize the validity of the subject application or any patent resulting therefrom, and declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

Date: January 3, 2003

Signed:


Everett C. Pesci, Ph.D.